

## BOIES, SCHILLER &amp; FLEXNER LLP

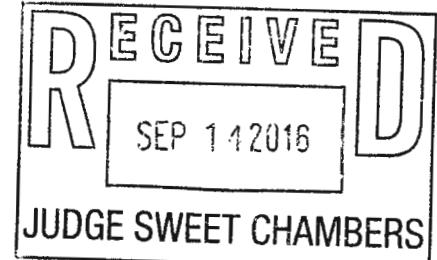
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September 13, 2016

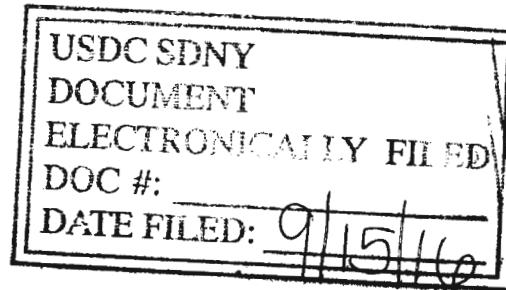
VIA FAXCIMILE [212-805-7925]

Honorable Judge Robert W. Sweet  
 District Court Judge  
 United States District Court  
 500 Pearl Street  
 New York, NY 10007



Re: *Giuffre v. Maxwell*,  
Case No.: 15-cv-07433-RWS

Dear Judge Sweet:



Plaintiff, Virginia Giuffre provides this Court with Notice of Non-Response to the Court's July 30, 2016 Order. Specifically, on June 20, 2016, this Court authorized the subpoenas to Nadia Marcinkova and Sarah Kellen to be served by alternative means. Ms. Giuffre served subpoenas as directed by the Court and set the depositions of Nadia Marcinkova and Sarah Kellen for July 21, 2016 at the Boies Schiller & Flexner offices in New York City. Neither of the witnesses appeared for their depositions.

On July 25, 2016, Ms. Giuffre filed Plaintiff's Motion for a Finding of Civil Contempt Against Sarah Kellen For Ignoring Subpoena and For Associated Sanctions (308) and Plaintiff's Motion for a Finding of Civil Contempt Against Nadia Marcinkova For Ignoring Subpoena and For Associated Sanctions (310). In her motions, Plaintiff sought the following relief in order to compel the depositions of Nadia Marcinkova and Sarah Kellen: (1) that Nadia Marcinkova and Sarah Kellen be directed to appear for deposition (2) that Nadia Marcinkova and Sarah Kellen pay Giuffre's costs and reasonable attorney's fees associated with bringing the motion, and that (3) Nadia Marcinkova and Sarah Kellen be ordered to pay a civil penalty of \$2500 per day for each day after which they fail to appear at the rescheduled deposition and any other sanction the court believes is just and proper.

On July 30, 2016 the Court issued the following order: "ORDER: Plaintiff's Motions for a Finding of Civil Contempt against Sarah Kellen and Nadia Marcinkova shall be taken on submission returnable August 25, 2016. All papers shall be served in accordance with Local Civil Rule 6.1 and pursuant to this Court's previous orders. (Signed by Judge Robert W. Sweet on 7/30/2016) (cf)".

BOIES, SCHILLER & FLEXNER LLP

Honorable Judge Sweet  
District Court Judge  
September 13, 2016  
Page 2

Neither Nadia Marcinkova nor Sarah Kellen filed any response to the Plaintiff's Motion on or before August 25, 2016.

In light of these facts, Ms. Giuffre provides notice to this Court that Plaintiff's Motion for a Finding of Civil Contempt as to Nadia Marcinkova and Sarah Kellen remain pending. As indicated in that motion, Ms. Giuffre would respectfully request that the Court Order that (1) that Nadia Marcinkova and Sarah Kellen be directed to appear for deposition (2) that Nadia Marcinkova and Sarah Kellen pay Giuffre's costs and reasonable attorney's fees associated with bringing the motion, and that (3) Nadia Marcinkova and Sarah Kellen be ordered to pay a civil penalty of \$2500 per day for each day after which they fail to appear at the rescheduled deposition and any other sanction the court believes is just and proper.

\$200

Sincerely,

  
Sigrid S. McCawley, Esq.

SSM  
Enclosure

cc: Counsel of Record

So ordered  
Sweet USDC  
9-15-16